

**FILL-IN DRAFT AFFIDAVIT--AMOUNT IN CONTROVERSY
LESS THAN \$2,000--TITLE XVIII (PRO CASE)**

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____
_____ DIVISION

_____,
Plaintiff

vs.

CIVIL ACTION NO.

LOUIS W. SULLIVAN, M.D.,
SECRETARY OF HEALTH
AND HUMAN SERVICES

Defendant

AFFIDAVIT OF _____

COMMONWEALTH OF VIRGINIA

ss

I, _____ being first duly sworn, depose and say
as follows:

(1) I am the Director of Division _____ of the Office of Civil Actions, Office of Hearings and Appeals, Social Security Administration, Department of Health and Human Services. The Office of Hearings and Appeals includes the Appeals Council and Administrative Law Judges who hold hearings on claims arising under Title XVIII of the Social Security Act, as amended, when such hearing is duly requested by a claimant who is dissatisfied with the administrative determination on his or her claim. The Office of Civil Actions assists the Appeals Council in processing cases in which a civil action has been filed.

- 2 -

(2) One function of the Appeals Council is to act on requests for review of hearing decisions made by Administrative Law Judges and to either grant, deny, or dismiss any such request. Under the regulations of the Social Security Administration, if the Appeals Council denies a timely request for review of a hearing decision, that decision thereupon becomes the "final decision" of the Secretary within the meaning of, and subject to, the provisions for judicial review in section 1155 of the Social Security Act, as amended, (42 U.S.C. section 1320c-4), which reads in pertinent part as follows:

"Any beneficiary who is entitled to benefits under title XVIII, and any practitioner or provider, who is dissatisfied with a determination made by a contracting peer review organization in conducting its review responsibilities under this part, shall be entitled to a reconsideration of such determination by the reviewing organization. Where the reconsideration is adverse to the beneficiary and where the matter in controversy is \$200 or more, such beneficiary shall be entitled to a hearing by the Secretary (to the same extent as is provided in section 205(b)), and, where the amount in controversy is \$2,000 or more, to judicial review of the Secretary's final decision."

(3) I am responsible for the processing of claims under Title XVIII of the Social Security Act, as amended, whenever a civil action has been filed in the State of _____. The official file maintained by the Office of Hearings and Appeals relating to the claim of the plaintiff, _____, under Title XVIII of the Social Security Act, is presently within my custody and has been examined under my supervision. To the best of my knowledge and belief said file shows that:

(typed name of Division Director)

Subscribed and sworn to before me
this ____ day of _____, 19__.

NOTARY PUBLIC, Commonwealth of Virginia